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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-09-00721 SBA
11)
Plaintiff,)
12) STIPULATION FOR CONTINUANCE
vs.) AND EXCLUSION OF TIME UNDER THE
13) SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET
CHARLES ZELL DANIELS,) SEQ.
14)
Defendant.)
15 _____)

16 **ORDER**

17 Based on the reasons provided in the stipulation of the parties above, the court hereby
18 FINDS:

19 1. The ends of justice served by the granting of the continuance from March 9, 2010 until
20 May 11, 2010 outweigh the best interests of the public and the defendant in a speedy and public
21 trial because counsel are still investigating and sharing information regarding an unresolved
22 restitution issue.

23 2. The proposed plea agreement remains under advisement by the Court. The Probation
24 Officer requires additional time to prepare a Pre-Plea report in this case, and the Court cannot
25 complete its consideration of the plea agreement until the report is completed.
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1 3. Defense counsel is scheduled to be in Jury Trial in this Court commencing March 8,
2 2010; thus continuity of counsel also justifies a continuance of this matter.

3 4. Given counsels' need for further investigation and sharing of information regarding
4 restitution, the Probation Officer's need for further time to prepare the Pre-Plea Report, Defense
5 Counsel's unavailability, and Court's continued consideration of the proposed plea agreement,
6 additional time is needed for effective preparation of counsel, continuity of counsel, and
7 consideration of the plea agreement by the court.

8 Based on these findings, IT IS HEREBY ORDERED that time be excluded under the
9 speedy trial act, 18 U.S.C. Section 3161(H) (1)(G) and (7)(A) from March 9, 2010 until May 11,
10 2010.

11 IT IS FURTHER ORDERED that the SENTENCING HEARING date of March 9, 2010,
12 scheduled at 10:00 a.m., before the Honorable Saundra Brown Armstrong, be vacated and reset
13 for May 11, 2010 at 10:00 a.m.

14 DATED:3/1/10

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16 HON. SAUNDRA BROWN ARMSTRONG
17 UNITED STATES DISTRICT JUDGE
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